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January 9, 2025

VIA ECF and email

The Honorable Andrew L. Carter, Jr.
U.S. District Court for the Southern District of New York
40 Foley Square New York, NY 10007

**Re: Gary K., v. Anthem Blue Cross and Blue Shield, Assurant Inc. Benefit Plans
Committee, and the Assurant Health & Welfare Benefit Plan**

**Civil Action No. 1:24-cv-07878-ALC; Consent Motion to Amend the Complaint and
set a Briefing Schedule for Responses**

Your Honor:

Plaintiff, through his undersigned counsel, respectfully moves the Court for leave to file an Amended Complaint in this matter.

Around the time Defendants filed the Motion to Dismiss (ECF Doc. No. 31), counsel for Defendants reached out to counsel for Plaintiff and informed them that they would grant leave to amend the Complaint to address purported issues with the pleading. After reviewing the Motion to Dismiss as well as the documents produced by Defendants, Plaintiff reached out to Defendants and has obtained consent to amend the Complaint and set a response schedule accordingly.

Plaintiff asks that the Court impose the following schedule for the filing of and responses to the Amended Complaint. Counsel for both parties have conferred on these new deadlines and Plaintiff represents that the parties agree that the proposed schedule will not create undue delay or prejudice any party.

Therefore, Plaintiff, with consent of Defendants, respectfully moves the Court as follows:

- That Plaintiff be granted leave to file an Amended Complaint in this matter.

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- The deadline for Plaintiff to file an Amended Complaint is set on January 17, 2025.
- The deadline for Defendants to file a Response to the Amended Complaint is set on to January 31, 2025.

In the event Defendants file a Motion to Dismiss the Amended Complaint:

- The deadline for Plaintiff to file a brief in opposition is set for February 14, 2025.
- The deadline for Defendants to file a reply to Plaintiff's opposition is set for February 25, 2025.

There are no other deadlines docketed in this case.

Respectfully submitted,

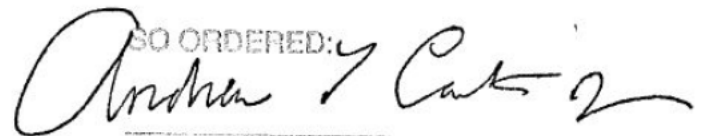
Brian S. King

cc: Counsel of Record (via ECF and email)



BRIAN S. KING, P.C.

The Clerk of Court is respectfully directed to terminate ECF No. 29 as moot.

SO ORDERED: 
HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE
January 13, 2025
New York, NY